

### **III. REMARKS**

#### **Status of the Claims**

Claims 14 and 16 are amended Claims 13-18 are presented for further consideration.

#### **Summary of the Office Action**

Claim 17 stands rejected under 35USC102(e) on the basis of the cited reference Jones, U.S. Patent No. 5,181,245. Claims 13, and 18 stand rejected under 35USC 103(a) as being unpatentable over the cited reference Jones. Claims 14-16 stand rejected under 35USC 103(a) as being unpatentable over the cited reference Jones, in view of the reference Pintzov et al, U.S. Patent No. 5,448,641. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

Applicant submits that the amendments presented above, are fully responsive to the rejection of claims 14 and 16 based on 35USC112 and the objection raised with respect to claim 16.

#### **Discussion of the Cited References**

The Examiner has cited the reference Jones as primary support for rejections based on anticipation and obviousness. The reference Jones describes a system by which the accounts of a postage meter may be periodically verified by a centralized authority by communication with the meter. Authority verification is enforced by disabling the meter at preset intervals to allow an inquiry to be made to verify the authority of the meter to issue postage.

The Examiner has characterized the disclosure of Jones as follows:

**"Jones discloses a timing circuit for sensing the amount of time the host computer is taking to complete a bus transaction, comparing amount of time with a predetermined time, generating a signal when sensed time exceeds predetermined time (col.4, lines 12-27)"**

In support of this characterization the Examiner cites the following excerpt from Jones:

**"At the expiry of the predetermined time period, or on completion of the predetermined number of operating cycles, the meter inhibit device outputs a "time up" signal which halts meter operation and provides a visual warning to the meter operator."**

Although the system of Jones uses a timer, it has no relation to a bus transaction. It is an arbitrary time period, for example monthly intervals, (see col. 3, lines 27-29), after which verification of authority is deemed warranted. The Examiner also indicates the existance of a memory controller, as in the subject application. The cited passage of Jones does not support this contention either. The timing circuit of Jones has nothing to do with accessing memory, as in the subject application. The reference Jones teaches that postage meters will only be allowed to produce postage indicia for a predetermined time in order to periodically notify the postal authority of the amount of postage dispensed by the meter. Upon notification, the meter is released to dispense postage for the next interval.

The claims of this application describe a postage metering device having security means to protect the device from unauthorized access by hacking or other means. To accomplish the purpose, the time, during which a host computer is taking to complete a bus transaction, is monitored and compared to a predetermined limit.

Access is prevented, if proper authorization is not presented with the time limit.

It is clear, referring to claim 17 that there are many elements of the system of this application missing from the system of Jones. There is no timing means to sense inordinate delays occurring in bus transactions. There is no mention of monitoring the time in which a host computer is taking to complete a bus transaction. There is no processor for controlling access to memory. The predominant functioning of the system of Jones is to ensure prompt and reliable certification of the accounts of a postage meter. This is substantially different than the subject invention.

### **The Issue of Anticipation**

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Jones would infringe the claims of this application, if it were later.

All of the claims of this application are directed to a system capable of providing the following functions:

- "a communications bus for communicating with a host computer to allow use of said cryptographic resources;
- a timing circuit for sensing the amount of time the host computer is taking to complete a bus transaction, comparing said amount of time with a predetermined time, and generating a signal when said sensed time exceeds said predetermined time;
- a memory controller for controlling access to said memory, said memory controller constructed to receive said signal and to terminate said bus transaction."

Since the above claimed features are not present in the system of the reference Jones, there can be no infringement of the subject claims. Therefore the disclosure of Jones does not support the rejection based on anticipation with respect to any of the claims.

#### **The Issue of Obviousness**

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference Jones are not remedied by the proposed combination with the teaching of the reference Pintzov. The cited references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Jones or Pintzov, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

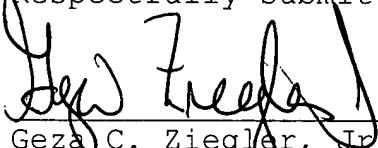
The above arguments apply equally to the rejected dependent claims.

For all of the above reasons, it is respectfully submitted that the claims now present in the application are novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved

issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

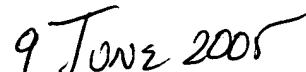
The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.

Reg. No. 44,004



9 June 2005

Date

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